

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of)

Deployment of Wireline Services Offering)
Advanced Telecommunications Capability)

and)

Implementation of the Local Competition)
Provisions of the Telecommunications Act)
of 1996)

CC Docket No. 98-147

CC Docket No. 96-98

SBC COMMUNICATIONS INC. REPLY TO OPPOSITIONS

SBC Communications Inc., on behalf of itself and its subsidiaries, (collectively referenced as "SBC") urges the Commission to disregard the unsupported arguments of parties opposing SBC's Petition for Reconsideration. Specifically, oppositions were filed by AT&T Corp. (AT&T), WorldCom, Inc. (WorldCom), DSLNet Communications (DSLNet) and Association for Local Telecommunications Services (ALTS).¹ None of these parties refutes the evidence presented by SBC that a blanket 90-day provisioning interval fails to provide sufficient time for the preparation of space for collocation in situations where the space is unconditioned, where a non-standard request or an adjacent structure collocation is involved and where the competitive local exchange provider (CLEC) has filed multiple requests within a short timeframe. Rather, their contention seems to be that the Commission's initial conclusion to impose a blanket 90-day provisioning interval serves alone as proof that such an interval is appropriate in all

¹ Comments in support of SBC's Petition were filed by the United States Telecom Association. SBC asks that the Commission strongly weigh these Comments in reconsidering the imposition of the 90-day provisioning interval and the issues raised by other Petitioners.

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circumstances. Rather than addressing the facts presented by SBC, these parties simply reiterate the Commission's conclusion, a conclusion unsupported by the record.

I. The 90-Day Provisioning Interval Established by the Commission fails to reasonably reflect the time and effort required to complete non-standard collocation requests.

The parties opposing SBC's Petition would have the Commission believe that 90 days is sufficient time to address even the most complex collocation request and that "one-size-fits-all" with respect to the work that must be accomplished to prepare the requisite space. In making this allegation, none of these parties offers any proof to substantiate its claims. They neither cite any actual examples nor offer any estimates of construction schedules based on the realities of preparing space for collocation. Nor are they even able to cite their own previous comments as evidence that a blanket 90-day provisioning interval is supported by the record. Indeed, once their rhetoric is discounted, the oppositions filed by these parties are without substance and this lack of substance supports the positions stated and proved by SBC. Unable to refute the facts presented by SBC and other Petitioners, the parties fall back on the circular argument that the adoption of the 90-day provisioning interval alone serves as overwhelming proof that such an interval is appropriate.²

AT&T, recognizing the weakness of its position, further argues that the adoption of realistic intervals are unnecessary since "very few of [AT&T's] collocation requests involve unconditioned space or new construction."³ SBC does not contest that, relatively speaking, fewer requests for collocation in unconditioned space and adjacent structures, as well as non-standard requests, are received in comparison with standard requests. However, the penalties which the Commission has indicated it will impose for non-

² WorldCom, pp. 2-6; AT&T, pp. 5-9; DSLNet, 1-2; ALTS, pp. 2-3.

³ AT&T, p. 7.

compliance remains the same, regardless of this comparative volume. Nor is there any reason to assume that the number of extraordinary requests will remain at this level; as floor space is consumed by standard collocation requests, the likelihood of non-standard requests and requests for collocation in unconditioned space and adjacent structures increases.

Similarly, WorldCom argues that the variables cited by SBC as involved in the preparation of adjacent structure collocation “cannot and will not arise in each and every instance.”⁴ Since, to date, SBC has not been required to prepare an adjacent structure for collocation, WorldCom’s certainty in this regard is highly questionable. What SBC does know is that there are at least eight factors that are obstacles to the preparation of adjacent structures for collocation, which it has delineated in its Petition.⁵ The effort required to prepare adjacent structures for collocation exceeds that necessary to comply with standard collocation requests and, as such, the 90-day provisioning interval is inadequate.

AT&T⁶ and WorldCom⁷ would also mislead this Commission to believe that a blanket 90-day provisioning interval for all collocation requests is consistent with state regulatory action. This is not the case. In all states where provisioning intervals have been set by state commissions, differing intervals are set depending upon the complexity of the task and the conditions which exist in that state. In no state has a blanket 90-day provisioning interval been adopted. SBC would urge this Commission to contact those states which have adopted provisioning intervals to obtain the truth and not to rely upon the misrepresentations of AT&T and WorldCom.

⁴ WorldCom, p. 11.

⁵SBC Petition, pp. 5-6.

⁶ AT&T, p. 7.

⁷ WorldCom, p. 3.

As SBC sets forth in detail in its Petition, real differences exist with respect to the preparation of unconditioned space which lacks the essential infrastructure, and space already available for physical collocation. It is not simply “little more than the use of basic fencing and post to construct a wire cage” as AT&T ludicrously asserts.⁸ The conversion of unconditioned space can consist of demolition work to prepare the space and the installation of a new power plant and upgraded heating, ventilation and air conditioning systems. The time requirements involved in completing a collocation request in these instances are not a result of ILEC “practice” as ALTS contends.⁹ The ILECs do not control the time it takes to prepare this space in these instances, since it is dependent upon supplier and subcontractor schedules. A minimum of 180 days is necessary for the completion of collocation requests of this nature.

Nor are the obstacles faced by ILECs in complying with a blanket 90-day provisioning interval resolved by requiring CLECs to produce annual forecasts, as proposed by AT&T.¹⁰ Unless these forecasts are binding on the CLECs and they are subject to financial penalties for their failure to comply with them, no purpose would be served. The forecasts SBC generally receives from CLECs have been grossly overstated and have resulted in SBC wasting money and manpower in the preparation of premises which the CLECs subsequently fail to occupy. The submission of forecasts, with no repercussions for CLECs should these forecasts prove inaccurate, would in no way ease the plight of ILECs bound to prepare unconditioned space and adjacent structures for collocation and meet non-standard requests. Since it cannot validly rely on inherently unreliable forecasts, an ILEC cannot justify initiating construction in advance of an actual collocation request.

⁸ AT&T, p. 6.

⁹ ALTS, p. 3.

¹⁰ AT&T, pp. 2-3.

II. Staggered Intervals are necessary in situations where a CLEC submits an excessive number of collocation requests in a limited timeframe.

WorldCom deliberating misrepresents SBC's position relating to the need for staggered intervals.¹¹ Contrary to WordCom's representations, SBC has not modified in any fashion its position with respect to the need for staggered intervals in cases where a CLEC intentionally submits multiple requests for collocation within a five-day period. To clarify what is apparently clear to all parties except WorldCom, SBC in its Request for a Conditional Waiver, as supplemented on November 13, 2000, requested the Commission to either allow SBC on a interim basis to use the provisioning intervals initially set forth in its Request or the intervals authorized by the New York state commission. It did not withdraw its request that the Commission consider staggered intervals as part of its national standard.

Moreover, that some CLECs are responsible for the dumping of an excessive number of collocation requests in a limited period of time is a proven fact. As one example of what WorldCom alleges is mere "speculation," on October 4, 2000, one CLEC submitted 340 collocation applications, 170 in the state of California alone. Further examples are provided in SBC's Comments in the pending rulemaking, incorporated herein.¹²

It is not SBC's intent to discourage CLECs from submitting collocation requests, as claimed by ALTS.¹³ SBC is simply seeking to have the Commission adopt provisioning intervals which reflect that which is technically required to complete multiple requests from a single CLEC submitted in a limited period. The adverse impact

¹¹ WorldCom, p. 9-10.

¹² Comments of SBC Communications Inc. in response to the Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and the Fifth Further Notice of Proposed Rulemaking in CC Docket No. 98-96, submitted on October 12, 2000, pp. 46-47.

¹³ ALTS, pp. 4-5.

of not allowing adequate time for the completion of these multiple requests is felt not only by the ILEC, but by other CLECs whose own requests may be delayed. This effect is evidenced by AT&T's support of SBC's request for staggered intervals.¹⁴ The submission of multiple collocation applications is not uncommon and can only be addressed by the adoption of staggered intervals as part of a national standard. To have states which have not adopted their own provisioning intervals to be expected on a case-by-case basis to address staggered intervals, as ALTS supports, is a cumbersome, time-consuming and inefficient resolution process which benefits no one but the CLECs engaging in this practice.

CONCLUSION

The parties which oppose SBC's Petition for Reconsideration provide no evidence in support of the retention of a blanket 90-day national provisioning interval for physical collocation. In stark contrast, SBC and other Petitioners have demonstrated that this interval is unreasonable and unsupported by the record which has been developed. For these reasons, SBC requests the granting of its Petition.

Respectfully Submitted,

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¹⁴ AT&T, p. 9.

CERTIFICATE OF SERVICE

I, Loretia Hill, do hereby certify that on this 15th day of November 2000, a copy of the foregoing "Reply" was served by U.S. Mail postage paid to the parties listed on the attached sheets.

A handwritten signature in cursive script, appearing to read "Loretia Hill", written over a horizontal line.

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